

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 290

September 12, 1996, 7:26 pm  
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## TREASURY APPROPRIATIONS/School Zone Federal Gun Ban

**SUBJECT:** Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1997 . . . H.R. 3756. Thompson motion to table the Kohl amendment No. 5244.

### ACTION: MOTION TO TABLE FAILED, 27-72

**SYNOPSIS:** As reported, H.R. 3756, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1997, will provide \$23.5 billion in new budget authority (BA) for the Department of the Treasury, Postal Service, Executive Office of the President, and various independent agencies. This amount is \$324 million more than the amount provided in FY 1996, \$175 million more than the amount provided in the House-passed bill, and \$1.36 billion less than requested by President Clinton.

**The Kohl amendment** would make it a Federal offense to possess a gun within 1,000 yards of a school, with a few exceptions, such as for law enforcement officers. It would also make it a Federal offense to discharge or to attempt to discharge a firearm within 1,000 feet of a school.

**NOTE:** Following the vote, the amendment was adopted by voice vote.

**Those favoring** the motion to table contended:

Our colleagues' attenuation of the commerce clause is so extreme in this case as to constitute a repeal of the 10th amendment. We share our colleagues' concern with the rising violence in our Nation's schools, but this is a local law enforcement matter and a local educational matter. United States Senators have no business making decisions in either of these areas. Declaring or not declaring gun-free school zones is a purely local issue. If local jurisdictions are having difficulty in protecting children in school, the solution is not to usurp their authority. We can and should be helping State and local governments by removing Federal impediments to their enforcing their laws. If we did not have Federal judges and Federal laws that made it virtually impossible for State and local governments to handle disciplinary problems, then all but the most liberal State and local governments would take care of this

(See other side)

YEAS (27)		NAYS (72)				NOT VOTING (1)	
Republicans (20 or 38%)	Democrats (7 or 15%)	Republicans (32 or 62%)		Democrats (40 or 85%)		Republicans (1)	Democrats (0)
Bennett	Baucus	Abraham	Helms	Akaka	Kerrey	Hatfield- <sup>2AN</sup>	
Bond	Breaux	Ashcroft	Hutchison	Biden	Kerry		
Campbell	Feingold	Brown	Kassebaum	Bingaman	Kohl		
Cochran	Heflin	Burns	Kempthorne	Boxer	Lautenberg		
Faircloth	Hollings	Chafee	Lott	Bradley	Levin		
Grams	Johnston	Coats	Lugar	Bryan	Lieberman		
Grassley	Leahy	Cohen	Mack	Bumpers	Mikulski		
Gregg		Coverdell	McConnell	Byrd	Moseley-Braun		
Hatch		Craig	Pressler	Conrad	Moynihan		
Inhofe		D'Amato	Roth	Daschle	Murray		
Jeffords		DeWine	Shelby	Dodd	Nunn		
Kyl		Domenici	Simpson	Dorgan	Pell		
McCain		Frahm	Snowe	Exon	Pryor		
Murkowski		Frist	Specter	Feinstein	Reid		
Nickles		Gorton	Thurmond	Ford	Robb		
Santorum		Gramm	Warner	Glenn	Rockefeller		
Smith				Graham	Sarbanes		
Stevens				Harkin	Simon		
Thomas				Inouye	Wellstone		
Thompson				Kennedy	Wyden		

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

problem in very short order. The Federal Government has passed laws and Federal judges have twisted the meaning of the Constitution so extremely that murderous juveniles have effectively been given the right to stay in school and terrorize decent students and teachers. The solution is not to federalize local law enforcement and local education. The solution is to get rid of Federal shackles. Therefore, we strongly urge our colleagues to table the Kohl amendment.

**Those opposing** the motion to table contended:

The Kohl amendment would address the very serious problem of children bringing guns to school and threatening or killing other students and teachers. Guns and ammunition, and their components, regularly move in interstate commerce, making it difficult for local jurisdictions to control the access of their citizenry to them. This fact makes it appropriate for us to federalize the possession of guns in school zones. Constitutional questions aside, though, as a matter of simple common sense we should not let kids take guns to school. On that basis, we urge Senators not to table the Kohl amendment.